

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In Re: ELIZABETH THOMAS	§	
	§	
	§	
JAMES ALLEN AND ROBERT L THOMAS	§	
Plaintiffs	§	
vs	§	
McCARTHY & HOLTHUS LLP,	§	
ON BEHALF OF FLAGSTONE LENDING	§	
GROUP A NON-EXISTENT A UTAH	§	
CORPORATION, AND	§	Adversary Cause No. 22 AP 03024 Debtor
	§	
SUCCESSOR/ASSIGNEE J.P. MORGAN	§	
CHASE BANK N.A. and ELIZABETH	§	
THOMAS	§	
Defendants	§	
_____	§	
	§	
PRIMARY RESIDENTIAL MORTGAGE INC.	§	
Intervenor/Defendant	§	
vs.	§	
ELIZABETH THOMAS	§	
Defendant	§	

SUPPLEMENTED RESPONSE TO MOTION FOR SANCTIONS

TO THE HONORABLE COURT:

COMES NOW Colleen M. McClure, files this her supplemented response to Elizabeth Thomas' Motion for Sanctions as follows:

I. ARGUMENT

A. Co-counsel agreement/arrangement

For clarification of the response filed in the above entitled and numbered cause under Docket 55, this supplemented response is filed herein. Colleen McClure was

presented with the Thomas related cases in November 2016. James Andersen needed assistance in the cases due to multiple parties and he was counsel for and continued as counsel for Elizabeth Thomas. (See Supplemented Exhibit A) I agreed to represent Alvin Mullen, Albert Perry, and Catrice Henry. (See Supplemented Exhibit A-1) I had never represented Elizabeth Thomas as James Andersen was always her counsel, I only co-counseled in the cases. (See Supplemented Exhibits C, D, E, F, G and K) As to the appeal that was filed, James Andersen was working with Colleen McClure on the appeal. (See Supplemented Exhibit A and C) In fact, when Colleen McClure withdrew from Harris County District Court cause number 2017-04089, it clearly showed that James Andersen was the attorney for Elizabeth Thomas. (See Supplemented Exhibit D) When it was realized that the delineation of representation was not clearly stated after a hearing in Harris County Cause Number 2018-14171 on April 16, 2019, Colleen McClure spoke with James Andersen and did email him regarding the Representation Agreement, of which James Andersen not only responded, making changes and signing a representation agreement but then stated that the agreement went back to June 27, 2016. (See Supplemented Exhibit K) James Andersen made additional changes including the date to June 27, 2016, and emailed back the signed agreement. Colleen McClure did not use the agreement dated June 27, 2016, in her filings as that was not the actual date that the agreement was signed. It was signed in 2019. There was no language in the agreement with the date changed by James Andersen referencing it back to that specific date, however, since Elizabeth Thomas, who was not a party to the discussions between counsels and has no knowledge of the agreement, has made and continues to make false

claims that Colleen McClure forged James Andersen's signature, the full emails with the date James Andersen provided are attached hereto and incorporated herein as Supplemented Exhibit K. Colleen McClure did not forge anyone's signature on any document and denies this false claim.

B. Acknowledgement of Representation solely of Alvin Mullen, Albert Perry, and Catrice Henry

In the email correspondence between James Andersen and Colleen McClure, James Andersen, Elizabeth Thomas, and Colleen McClure show the inclusivity of James Andersen in all aspects of the representation delineation. (See Supplemented Exhibits C and G) James Andersen was at hearings and participated in all aspects of the lawsuits as counsel for Elizabeth Thomas, even after Keith Nguyen became lead counsel for Alvin Mullen, Albert Perry, and Catrice Henry. (See Supplemented Exhibit L which is the live pleading in all cases in Harris County including 2016-87941, 2017-04089, 2017-06078, and 2017-82388) Colleen McClure remained in the case as counsel for Robert Thomas and James Allen in the above entitled and numbered cause until she was allowed to withdraw, as well as representing Robert Thomas and James Allen in Harris County District Court Cause Number 2020-37580 until she was allowed to withdraw per Court Order on August 10, 2023. (See Supplemented Exhibit N)

C. Continual False and Defamatory Threats of Elizabeth Thomas

Elizabeth Thomas has continuously made false threats against Colleen McClure since 2017. Elizabeth Thomas has repeatedly accused people of working for the other party. (See Supplemented Exhibits I) Elizabeth Thomas accused a client of Colleen McClure's of working for the Defendants in a related case and making related threats.

Elizabeth Thomas also accused Colleen McClure of working for John Burger, who represents P.C.F. Lending in Harris County District Court Cause Number 2020-37580 in an email dated Monday July 24, 2023, threatening to publish a website against counsel and go to Fox News. (See Supplemented Exhibit I) The link that is in the email it goes to a website wherein Elizabeth Thomas makes false, defamatory, and quite frankly crazy and unhinged statements about Colleen McClure as follows:

"This is a special public notice for Texas seniors citizens some that have already fallen victim to McClure to be aware of the is spawn of Satan, as she will abandon your case or make deal with the order side against you."

(See Supplemented Exhibit "I") She also is making the same statements online under another name, Jasmine Jarbis, [Docket No. 52-1 Page 4). Jasmine Jarbis is listed as a vexatious litigant in an Order Dated November 16, 2023, in Cause Number 2020-35780, 80th Judicial District Court, Harris County Texas. [Docket No. 52-1] Colleen McClure has never represented Jasmine Jarbis, has never met her nor does she know who she is. Yet, she has filed a google review as follows:

"Jasmine Jarbis
[on Google](#)

a month ago

Don't hire this lawyer she will sell you out, by working with the otherside against all while pretending to litigate your case, after 30 years she has 13 reviews that should tell you something about this lawyer. Also I would dnever advised a African American to hire her because she is a racist nor is she a christen as her god is the devil. Beware"

Again, making the same statements that Elizabeth Thomas has made in numerous emails against Colleen McClure and her clients. (See Supplemented Exhibit G and I) Colleen McClure believes that these statements are being made by Elizabeth Thomas and questions if Jasmine Jarbis is a real person. Elizabeth Thomas has threatened Colleen McClure in emails regarding her withdrawal from clients that Elizabeth Thomas has nothing to do with, but she made false claims that they did not know about the withdrawal, which she is continuing to do again through Robert Thomas and James Allen. (See Supplemented Exhibits A, A-1, C and G)

Now she files knowingly and false allegations and claims in Docket No. 61 stating that Colleen McClure was going to call Anthony Haris as a witness. No where did Colleen McClure make such a disclosure or statement. The statement by Elizabeth Thomas that there was going to be an ambush and attack by a “White Supremacist Group” is false and is clearly defamatory. None of what she stated is true, and she knows it is not true. The issues presented in the Motion for Sanctions have nothing to do with any other party than James Andersen and Elizabeth Thomas. Colleen McClure never filed a witness list and never named anyone as a witness including Anthony Harris. Colleen McClure has absolutely no contact with Elizabeth Thomas. Anthony Haris is represented by John Burger at Berry and Steward and Colleen McClure has had no contact with Anthony Haris. This is an intentionally false and misleading pleading that was knowingly made to defame counsel and to cause her harm.

Further, the allegations against Anthony Haris are nonsensical. What reason would someone place their card above a racially discriminatory picture which was

allegedly placed on Elizabeth Thomas' door by him? Elizabeth Thomas has circulated this allegation, along with other allegations of racially discriminatory attacks by what she perceives to be a "White Supremist." Elizabeth Thomas uses it in an attempt to gain sympathy, as she has in the past. This is not the first time that she has played into racial sensitivity in order to gain advantage and/or sympathy in the pending litigations. She made similar claims against Miramar Lakes Homeowner's Association, claiming that the President of the Association placed stuffed monkeys with nooses around their necks on her back fence, along with racially sensitive flyers on her vehicles. She also made claims that children waiting at the bus stop were harassed and told to "go pick cotton" or something of the sort. This caused James Andersen, Elizabeth Thomas' attorney, to write a letter to the school about the alleged racial incident. (See Supplemented Exhibit J) It is unknown by Colleen McClure if the letter was ever served on the school.

Elizabeth Thomas exploited this claim by further having Alvin Mullen, Albert Perry, and Catrice Henry file Notice of Removal on July 10, 2019, under US Southern District Cause Number 19-cv-02486. [Docket No. 1 in 19-cv-02486] (See Supplemented Exhibit O) Elizabeth Thomas prepared and filed the Notice of Removal, and she misspelled Alvin Mullen's name. His name is spelled wrong in the first sentence, "Alvin Mullin" instead of Alvin Mullen. [Docket No. 1 in 19-cv-02486] In this notice, the same and or similarly racially sensitive claims are made that there are threats being made by the opposing party that are racially discriminatory with physical items being placed on Elizabeth Thomas' property, causing them fear of the party. This claim against Miramar Lakes was filed in State Court also. No other party claimed to have received any racially

discriminatory attacks. I find it odd that only Elizabeth Thomas receives these attacks and that these same or similar attacks happen in multiple cases Elizabeth Thomas is a part of but no other co-party in any case she is attached to receives them as well. This is a consistent theme in Elizabeth Thomas cases. James Andersen informed Colleen McClure that he investigated the claim and that the items were placed on her property and the children were approached at the bus stop. There has never been any evidence presented as to who placed the items. Whether or not it is real or something that was created by Elizabeth Thomas is unknown.

All exhibits are incorporated herein to support the arguments presented herein.

II. AUTHORITIES

This motion for sanctions was filed for an improper purpose under both Federal Rules of Civil Procedure 11 and under Bankruptcy Rule 9011(c)(1). See Fed.R.Civ.P 11(b)(1) (describing an “improper purpose” to include harassment).” Claudet v. First Federal Credit Control, Inc., 14-CV-2068 (M.D. Fla. Nov. 17, 2015) Elizabeth Thomas has filed this motion merely to harass and harm counsel and continues to with the Ex Parte Motion to Strike a Witness that was never named by Colleen McClure with the pure intent to cause harm to counsel. This harm is also evidenced by the online reviews in the name of Jasmine Jarbis another vexatious litigant. Jasmine Jarbis may be Elizabeth Thomas as the statements are the same as in the emails and website for Elizabeth Thomas. (See Supplemental Exhibit I)

Again, Elizabeth Thomas was present at the hearing on April 6, 2022, and at the hearing in the 133rd District Court under cause number 2018-14171 on April 16, 2019, in

which Elizabeth Thomas' counsel was clearly established to be James Andersen not Colleen McClure and that Colleen McClure has never represented Elizabeth Thomas. She did not object at either hearing. Elizabeth Thomas knows that Colleen McClure has never represented her, as is confirmed by her when she never objected to the statements of counsel. Again, this is all a game to her, and she is not presenting accurate evidence before the Court. She has already been declared to be a vexatious litigant. [Docket 52] She has filed numerous bankruptcies, including the bankruptcy that was filed in the Southern District of New York. Elizabeth Thomas dismissed the bankruptcy before discharge after making payments for several years. Elizabeth Thomas is a vexatious litigant and continues to be a vexatious litigant or continues to file unsupported and false pleadings in federal court.

PRAYER

WHEREFORE, Colleen M. McClure prays that the Court deny Elizabeth Thomas' Motion for Sanctions, sustain the objection to the certificate of service, sustain the objection to the timeliness of the filing of the motion, sustain the objection as to Elizabeth Thomas failing to object to the statements of Colleen McClure at the hearing and deny her Motion for Sanctions within the motion, and for whatever further the court deems just and proper in the premises.

Respectfully submitted,

COLLEEN M. MCCLURE
ATTORNEY AT LAW

By: /s/ Colleen M. McClure
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above foregoing Response has been sent to Elizabeth Thomas via email on July 28, 2024.

/s/ Colleen M. McClure
COLLEEN M. MCCLURE